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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,901	01/26/2004	Michael D. Hillman	29498/30004A	2723

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EXAMINER

JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,901

Applicant(s)

HILLMAN ET AL.

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19 and 73-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 and 73-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/7/04</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19, 78 and 83 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wang '734.

The spools and the spring motor are in the headrail. See biasing element 53 and bias adjustment mechanism 52, etc., which engage and maintain the cords in a fixed position using friction.

Claim Rejections - 35 USC § 103

Claims 19 and 73-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al '154 in view of Fizer.

In '154, see headrail 10, bottom rail 22, window covering 20, spools 32A,B, spring motors 33A,B, biasing element 51, etc., spring 513, and release button 51. What is not shown is a brake that uses friction. However, Fizer discloses a friction brake wherein a spring 98 biases a brake pad 88. It would have been obvious to replace the toothed brake of Wang et al with the friction brake of Fizer so as to permit smooth winding and unwinding.

Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al '154 in view of Biro et al.

Providing separate grooves for each cord on a cord storage spool is well known, as illustrated by Biro et al. In view of this teaching, it would have been obvious to provide one spool with separate grooves so as to reduce the number of spring motors and spools needed as well as to keep the cords from becoming entangled.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Wang '734 shows that the mechanism that includes the bias adjustment mechanism does not "engage any component" of the biasing element, i.e. spring motors, etc. However, claim 19 merely recites that the biasing adjustment mechanism is "coupled to" the biasing element. Such a broad term clearly reading on the biasing adjustment mechanism in the bottom rail controlling the biasing element in the top rail. It is also felt that the term "engaging" (claims 78 and 83) instead of "coupled to" is also met since these two portions of the invention are engaged through the intermediary cords.

Regarding Wang '154, it is argued that the gear teeth maintain the positions of the cord retrieving members, and not the spring. However, the springs 513 clearly biases the gear member 51 against the spring motor spool. It is further noted that '154 is modified in view of Fizer to provide a well known friction brake as recited. Regarding Fizer, this reference is found to be reasonably pertinent to the particular problem confronted by Applicant, which was providing a releasable brake for a spring motor driven device. Consequently, it clearly qualifies as analogous prior art. There are any number of other reasons that would motivate the search and finding of Fizer in addition to rendering braking smooth. For example, there are infinite brake positions as opposed to Wang '154, who is restricted to specific, spaced, gear teeth positions. Also, pulling down the bottom rail without releasing the brake when a brake pad is used instead of gear teeth is more easily accomplished.

Conclusion


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
12/4/06